

BURUNDI 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2018 constitution, promulgated in June 2019, provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In May voters elected President Evariste Ndayishimiye, members of the National Assembly (lower house), and commune councils in elections organized during the COVID-19 outbreak. The government allowed a main opposition party to participate and campaign. The elections resulted in a peaceful transfer of power but were deeply flawed with widespread reports of human rights abuses perpetrated mainly against the main opposition party members. Numerous irregularities undermined the credibility of the process in which international observers did not participate.

The National Police of Burundi, which is under the Ministry of Public Security's authority, is responsible for law enforcement and maintaining order. The armed forces, which are under the authority of the Ministry of Defense, are responsible for external security but also have some domestic security responsibilities. The National Intelligence Service, which reports directly to the president, has arrest and detention authority. The Imbonerakure, the youth wing of the ruling National Council for the Defense of Democracy--Forces for the Defense of Democracy party, has no official arrest authority, but some members were involved in or responsible for numerous human rights abuses. They routinely assumed the role of state security agents and as such detained and turned over individuals to members of the official security services, in some cases after committing human rights abuses. Civilian authorities at times did not maintain control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings on behalf of the government; forced disappearances on behalf of the government; torture and cases of cruel, inhuman, or degrading treatment or punishment on behalf of the government; harsh and sometimes life-threatening

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prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, and unjustified arrests of journalists, censorship, site blocking, and the existence of criminal libel and slander laws; substantial interference with the rights of peaceful assembly and freedom of association; serious restrictions on freedom of movement; restrictions on political participation, including elections that were deeply flawed with irregularities that undermined the results; serious and significant acts of corruption; lack of investigation of and accountability for violence against women; trafficking in persons; crimes involving violence targeting minority groups and persons with albinism; and existence or use of laws criminalizing consensual same-sex sexual conduct between adults.

The reluctance of police and public prosecutors to investigate and prosecute cases of government corruption and human rights abuse and of judges to hear them in a timely manner, resulted in widespread impunity for government and ruling party officials and for their supporters and proxies.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents, including police, the National Intelligence Service (SNR), military personnel, and elements of the Imbonerakure, committed arbitrary or unlawful killings, often against perceived supporters of the political opposition or those who exercised their lawful rights. The banned nongovernmental organization (NGO) Ligue Iteka continued operating from outside the country and documented 205 killings by the end of September, as compared with 281 the previous year. Many were allegedly committed by agents of the security services or members of the Imbonerakure. The assessments of Ligue Iteka and other human rights groups differed on the number of killings for which agents of the state or ruling party were likely responsible. Responsibility for

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arbitrary killings and exact statistics were difficult to determine due to the government's restrictions on human rights monitors and civil society organizations (CSOs) and refusal to allow international bodies authorization to enter the country. Investigations and prosecutions of government officials and members of the ruling party who allegedly committed arbitrary or unlawful killings were rare. Responsibility for investigating such killings lies with the Burundi National Police, which is under the Ministry of Interior and Public Security, while the Ministry of Justice is responsible for prosecution.

In its September report, the UN Commission of Inquiry on Burundi (COI), whose members were denied access to the country by the government, but who conducted face-to-face or remote interviews with more than 300 victims, witnesses, and other sources living both in the country and in exile, reported that summary executions and arbitrary killings continued. Despite the fact that bodies bearing signs of violence continued to be found in public places, authorities made no attempt to establish the victims' identities or the circumstances of their death, making it more difficult for the COI and NGOs to document. In addition, the COI reported numerous cases of disappearances, and it was difficult to determine how many of these were cases of forced disappearance or were killings. Some victims were found dead a few days after their disappearance with injuries indicating they had been executed. The COI report concluded that "human rights violations were mainly committed by members of the Imbonerakure and local administrative officials acting alone or jointly with police or the National Intelligence Service." The COI also reported that, "Acting in place of the authorities, Imbonerakure have killed persons accused of ordinary crimes, including theft and witchcraft, thus arrogating to themselves the right to dispense justice." Victims were generally perceived as opponents of the government or the ruling party or, first and foremost, members of the new political opposition party, the National Congress for Freedom (CNL), registered in February. Some media outlets reported that Burundian nationals who returned to the country after having sought refuge abroad were also targeted, as were young men following travel abroad, who were accused of belonging to or supporting armed opposition groups. As in past years, the COI report stated that there was reason to believe that abuses committed by Burundian authorities constituted crimes against humanity.

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According to the COI report, during the electoral period numerous members of the main opposition party CNL were killed in reprisal for legitimate political activities. Violent clashes between the Imbonerakure and members of the CNL resulted in injuries and deaths on both sides but with primary responsibility attributed to the Imbonerakure, often with tacit support of police and local authorities.

According to a report by the NGO Ligue Iteka, Bosco Ngabirano, a CNL member, was killed on March 29 in Ryansoro commune, Gitega Province, by a group of Imbonerakure. The report indicated Seconde Ndayisenga, the administrator of the commune, ordered the killing. Ngabirano was killed by machete and his tongue was cut out. He was buried on April 1 at the request of the commune administrator and Gitega governor without the presence of his family members who requested an investigation into his killing before burial. As of November, authorities had not initiated an investigation.

On September 17, the rebel group Red Tabara claimed responsibility for a series of attacks in Bujumbura Rural, Rumonge, Kayanza, and Bururi Provinces that reportedly killed 28 members of the security forces (police and army) and 15 Imbonerakure, according to the movement's spokesperson. The spokesperson stated that six members of the movement were killed during the attacks. Local administrations attributed the attack to "unidentified armed groups aiming to disrupt security of the country."

As of September 21, at least 29 grenade attacks had taken place throughout the country, resulting in at least 17 fatalities and 69 injuries. Although the number of attacks was slightly lower than the previous year, the number of fatalities and injuries increased. The identification of the perpetrators and motives behind the attacks was often unclear. While the apparent motives were presumably political for some of the attacks that specifically targeted members of political parties, police, and other security service members, others were likely motivated by personal or business vendettas.

Following the elections, President Ndayishimiye made efforts to curb the violence and engage the country's youth in positive economic efforts, including by creating an initiative to lower youth unemployment and establishing a bank that provides loans to young entrepreneurs.

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On December 28, the first prosecution and sentencing took place against a high-level member of the Imbonerakure. The former vice president of the Gitega chapter of the Imbonerakure, Aime Irambona, was sentenced to four years in prison for premeditated murder in the slaying of a workman who stole items from his home. Five other plaintiffs were also prosecuted in the case and received sentences that ranged from 18 months to life in prison. Aime Irambona is a close relative of President Ndayishimiye and was prosecuted by the newly elected government, despite his membership in the ruling party's youth wing that typically has impunity for its actions, including intimidation through violence.

b. Disappearance

There were numerous reports that individuals were victims of politically motivated disappearances after they were detained by elements of the security forces or in kidnappings where the identities of the perpetrators were not evident. The COI report noted that some victims associated with the opposition or without political affiliation disappeared after refusing to join the ruling political party or the Imbonerakure. A victim's last sighting was often at the time of abduction by the Imbonerakure or SNR. The NGOs Ligue Iteka and SOS Torture Burundi regularly reported disappearances, which were sometimes later determined to be killings when bodies were discovered. As of mid-September, Ligue Iteka documented 30 disappearances, down from 35 the previous year. It linked six disappearances to the Imbonerakure, two to police, 16 to the SNR, one to the military, and five to unidentified actors. Lack of access to reliable reporting, caused in part by restraints on civil society, limited the ability of human rights organizations and researchers to gather complete data. Disappearances of persons returning from exile were also reported. There were no reports of efforts to prevent, investigate, or punish such acts.

On April 3, military officers under the orders of Major Gilbert Manirakiza, the officer in charge of military intelligence at Mabanda camp, kidnapped Come Niyongabo, a former member of the FAB (the former Burundian army). Niyongabo's family was unable to locate him, and the military denied detaining him.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit cruel, inhuman, or degrading treatment or punishment, but there were numerous reports government officials employed these practices. NGOs reported cases of torture committed by security services or members of the Imbonerakure. As of September, Ligue Iteka reported 103 such cases, down from 201 the previous year, attributing 70 to members of the Imbonerakure, eight to police, five to members of local government, and 20 to the SNR. According to Human Rights Watch, some Burundian refugees in other countries testified they fled the country after they or their family members suffered violence, including rape, torture, and illegal detention by members of the Imbonerakure. The press reported throughout the year that Imbonerakure members arrested, threatened, beat, tortured, or inflicted a combination of the foregoing on members of the CNL party.

The COI report concluded that acts of torture continued to be committed, including sexual and gender-based violence affecting mostly women and girls but also men. Such violence aimed at intimidating, controlling, repressing, or punishing women and men for their supposed or actual political opinions, their refusal to join the ruling party, or their links with an armed movement. According to the COI, assailants beat, kicked, or struck victims with sticks or batons while wounding others with sharp objects.

The COI report linked acts of torture to members of the Imbonerakure, often acting alone but sometimes in concert with or with approval from police or local administrative officials. Imbonerakure were regularly deployed to supplement or replace security forces, particularly in rural areas, at the request of or with the consent of senior officials of the SNR, police, the Office of the President, and local authorities.

On March 1, in Gisuru commune, in Ruyigi Province, a group of Imbonerakure beat Pascal Bizumuremyi, a member of parliament from the CNL party and also a police officer. The group was working to prevent CNL members from opening party offices in the region. The group of Imbonerakure was arrested but released without charges several days later.

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There were few reports of investigations or prosecutions for serious abuses of human rights. The extent of impunity was a significant problem in the security forces and their proxies, particularly the Imbonerakure. Factors contributing to impunity included the ruling party's reliance on the Imbonerakure to repress political opposition. There are no significant mechanisms to investigate human rights abuses. The COI report stated, "Imbonerakure enjoy considerable latitude in carrying out their activities, conferred on them by the Burundian authorities who have the means to control them, as well as almost total impunity."

The UN Secretary-General's Strategic Assessment Mission for UN Engagement in Burundi noted, "In July and August 2020, the Government took notable steps to fight impunity. It arrested and prosecuted members of the ruling CNDD-FDD party youth league Imbonerakure, senior police officers and local administrative officers for extortion and other criminal offenses, thus increasing the cautious optimism from civil society and political actors that the new administration will bring about change. However, the prevailing view conveyed by several stakeholders is that more steps need to be taken for Burundi to promote accountability and meet its international human rights obligations."

According to the *Conduct in UN Field Missions* online portal, there were seven open allegations submitted in previous years of sexual exploitation and abuse by Burundian peacekeepers deployed to UN peacekeeping missions, including two from 2019, one from 2018, two from 2017, one from 2016, and one from 2015. As of September, the government had not announced whether it had taken any measures to establish accountability in the seven cases that were still open. Four of the cases involved an alleged exploitative relationship with an adult, alleged transactional sex with an adult, the alleged rape of a child, and the alleged solicitation of transactional sex by two peacekeepers with two adults. The other three open cases each involved multiple charges: One of the cases involved the alleged rape of an adult, alleged transactional sex with an adult, and two allegations of rape by two peacekeepers of an adult. A second case involved the alleged rape of two adults, the alleged sexual exploitation with two adults, alleged sexual activity with a child, and alleged transactional sex with an adult. The third case involved two allegations of sexual activity with a child.

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Prison and Detention Center Conditions

Prisons were overcrowded, and conditions remained harsh and sometimes life-threatening. Conditions in detention centers managed by the SNR and in local “lock-ups” managed by police generally were worse than in prisons, and there were allegations that police and members of the SNR committed acts of torture, beating, and mistreatment of detainees. The COI and several other credible organizations also continued to report that the SNR, police, senior government officials, and other security organizations maintained clandestine detention facilities to which no independent monitors were granted access.

Physical Conditions: Gross overcrowding was a severe problem. The Office of Penitentiary Affairs reported that, as of August, there were 12,109 inmates, including 5,168 pretrial detainees, in 13 prisons, the majority of which were built before 1965, with the capacity to accommodate 4,194 inmates. Of the 12,109 inmates, 646 were women and 144 were juveniles. Authorities held 144 juveniles, of whom 129 were convicted and 15 were pretrial detainees, in two juvenile rehabilitation facilities. They were allowed to participate in recreational activities and received psychosocial support and preparation for eventual return to their families and communities. In addition, there were 87 infants and small children living with their incarcerated mothers. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate population was at 771 percent of capacity, and Mpimba (in Bujumbura) which was at 552 percent of capacity. No information was available on the number of persons held in secret detention centers managed by the SNR or in communal jails operated by police. There was a prison for women in Ngozi. Authorities commonly held pretrial detainees with convicted prisoners. There were reports of physical abuse by government officials, lack of adequate medical treatment, and prolonged solitary confinement.

Prisons did not have adequate sanitation systems (toilets and bathing facilities), drinking water, ventilation, and lighting. Prisons and detention centers did not have accommodations for persons with disabilities.

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria. Many died from disease. There were media reports of prisoners presenting COVID-19 symptoms including

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some who died, particularly in Bujumbura's Mpimba Central and Ngozi prisons. There was no official information regarding cases of COVID-19 in prisons. Authorities took some measures to prevent the spread of the virus, including suspension of visits in all prisons after April 1, although family members were still permitted to bring prisoners necessities such as food. The International Committee of the Red Cross provided assistance to prison authorities for constructing quarantine sections in prisons during the COVID-19 pandemic.

Each inmate received on a daily basis approximately 12 ounces of cassava, 12 ounces of beans, and, on some days, oil and salt. Authorities expected family and friends to provide funds for all other expenses. Each prison was required to employ at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care; inmates with serious medical conditions were sent to local hospitals. The banned NGO Action by Christians for the Abolition of Torture (ACAT-Burundi) reported a shortage of medicines in prison clinics. It also reported that prisoners, particularly those held on politically motivated charges, had difficulty obtaining permission to seek treatment in hospitals outside prison, and those who did were discharged before they were fully recovered.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but authorities rarely investigated the complaints. There were credible reports of mistreatment of prisoners, but no record that any abusers were held to account or punished.

Independent Monitoring: The government permitted monitoring by some independent nongovernmental observers.

The government permitted visits requested by the International Committee of the Red Cross, the African Union (AU), and the Independent National Commission on Human Rights (CNIDH). Monitors visited known official prisons, communal jails, and known SNR detention centers regularly. Monitoring groups had complete and unhindered access to prisoners held in known detention facilities, but were not able to access clandestine SNR detention sites.

d. Arbitrary Arrest or Detention

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The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest and detention, but the government did not observe these prohibitions.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person without a warrant by notifying a police supervisor in advance. Police have seven days to finish an investigation and present evidence before a magistrate but may request a seven-day extension for additional investigation. Police rarely respected these provisions.

A magistrate must either order the release of suspects or confirm the charges for continued detention, initially for 14 days, and then for an additional seven days if required to prepare a case for trial. Magistrates routinely failed to convene preliminary hearings, often citing heavy case backlogs or improper documentation by police. Authorities acknowledged that the legal system struggled to process cases in a timely fashion and that lengthy pretrial detentions were common.

Lack of transportation for suspects, police, and magistrates was a frequently cited reason for the failure to convene preliminary hearings. This was a problem in the eight provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over the case.

Judges may release suspects on bail but rarely did so. They did, however, often release suspects on their own recognizance. Suspects may hire lawyers at their own expense in criminal cases, but the law does not require legal representation, and the government did not provide attorneys for those unable to afford one. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura. Prisons have solitary confinement facilities, and detainees were sometimes held in solitary confinement for long periods.

Arbitrary Arrest: The law provides for a token monetary fine and imprisonment for 15 days to one year for any member of the security forces found guilty of involvement in an arbitrary arrest. There were no reports this law was applied.

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Human rights groups reported numerous arbitrary arrests and detentions, including some involving the Imbonerakure. The COI report described a pattern of arbitrary arrests and detentions, but it did not provide statistics. As of September, Ligue Iteka documented 916 arbitrary arrests, an increase from 598 in the previous year, including 154 by the Imbonerakure, 589 by police, 39 by the military, 81 by local administration officials, and 53 by the SNR. Authorities especially targeted members of the CNL party and their supporters, making a total of 409 arrests. Authorities also arrested members of other opposition parties in connection with legitimate political activities. Authorities often accused them, along with CNL members, of organizing or taking part in “illegal meetings” or seeking to “disrupt the election.” Authorities arrested some opposition members, after they fought with members of the Imbonerakure who were attempting to disrupt their opposition election rallies. Sometimes authorities arrested the relatives of CNL or opposition party members who could not be located.

According to the COI report, most arrests were arbitrary because they were conducted illegally, on vague grounds, or in breach of established judicial procedure, such as when carried out by the Imbonerakure or local administrative authorities who were not authorized to make arrests, other than while a crime is being committed.

On May 4, in Giheta commune, Gitega Province, the manager of Kibimba hospital, Samson Gahungu, was arrested by Alexis Manirakiza, the local administrator of the commune. Gahungu was accused of tearing up a picture of the then National Council for Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) presidential candidate, Evariste Ndayishimiye, posted at the entrance of the hospital.

On July 10, Terence Mushano, vice president of the CSO AC-Genocide Cirimoso, was arrested with journalists from the Iwacu Press group before interviewing them concerning the commemoration of the 25th anniversary of the massacre of students at the University of Burundi. They were arrested for planning an interview within the airport premises without prior authorization. The *Iwacu* journalists were released several hours later but Mushano was transferred to a holding facility of the judicial police, where he was accused of “undermining public security.” He was

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temporarily released on personal recognizance on July 15, pending trial at a later date.

In May 2019 the duly elected leader of the Adventist Church in Burundi, Pastor Lameck Barishinga, and church administrator Pastor Lambert Ntiguma were arrested at Bujumbura International Airport while trying to fly to Nairobi, Kenya, to attend an executive committee meeting of the East-Central Africa Division of the Seventh-day Adventist Church. They both remained in prison without charges.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. By law authorities may not hold a person longer than 14 days without charge. As of August, however, 43 percent of inmates in prisons and detention centers were pretrial detainees, according to the director of prison administration. Authorities held some suspects without formal charges. According to the Office of Penitentiary Affairs, the average time in pretrial detention was approximately one year, but some persons remained in pretrial detention for nearly five years. In some cases, the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance because public prosecutors failed to open case files or the files were lost. Others remained incarcerated without proper arrest warrants, either because police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release if found to have been unlawfully detained. Nevertheless, there was no record that any person was able to do so successfully.

e. Denial of a Fair Public Trial

Serious irregularities undermined the fairness and credibility of trials. Although the constitution and law provide for an independent judiciary, there were instances

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when authorities bribed or subjected members of the judiciary to political influence to drop investigations and prosecutions or predetermine the outcome of trials or not to seek enforcement of court orders. According to the COI report, the rules of criminal procedure were rarely observed. Warrantless arrests of political opponents were routinely carried out, pretrial detentions were illegally extended, and judges used confessions obtained under torture as a basis for convicting defendants.

The COI report stated that the judiciary continued to be used as a tool of political repression and was biased in favor of the CNDD-FDD party. Imbonerakure involved in clashes with members of CNL were rarely prosecuted or punished. The Ministry of Public Security consistently identified members of the CNL as responsible for “90 percent” of such incidents without carrying out investigations. There were allegations the public prosecutor willfully ignored calls to investigate senior figures within the security services and national police. Prosecutors and members of the security services sometimes ignored court orders for the release of detainees after judges had determined that there were no legal grounds for holding them.

Trial Procedures

By law defendants are presumed innocent. Panels of judges conduct all trials publicly. Defendants have the right to prompt and detailed information on the charges and free interpretation from the moment charged through all appeals, if necessary, although these rights were not always respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this did not always occur. Defendants have a right to counsel but not at the government’s expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal assistance to some defendants. Defendants have a right to defend themselves, including by questioning prosecution or plaintiff witnesses, calling their own witnesses, and examining evidence against them. Defendants also may present evidence on their own behalf and did so in most cases. Defendants have the right not to be compelled to testify or confess guilt. The law extends the above rights to all citizens.

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All defendants except those in military courts have the right to appeal their cases to the Supreme Court. The inefficiency of the court system extended the appeals process for long periods, in many cases for more than a year.

Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. The government does not provide military defendants with attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges. Military trials generally were open to the public but may be closed for reasons such as national security or when publicity might harm the victim or a third party; for example, in cases involving rape or child abuse. Defendants in military courts are entitled to only one appeal.

While many of the above rights were often violated, no rights were systematically denied to persons from specific groups.

On August 9, the Kayanza High Court sentenced Augustin Manirishura, Christophe Ndayishimiye, and Chadia Mbaririmana to 30 years in prison for an alleged attempt to assassinate the president. They were arrested after a group of persons threw stones at President Ndayishimiye's motorcade. During the trial the three accused did not have access to lawyers because the trial was held within three days of the incident and the defendants were not able to afford attorneys. The prosecutor initially charged them with "breach of public safety and not alerting the concerned services that the head of state was in danger" and requested a prison sentence of seven years. At the ruling, the judge announced the court reclassified the charge as an attack and plot against the head of state without giving further explanation. Media outlets reported the sentence was politically motivated.

In August, Dieudonne Nsengiyumva, a former representative of the Imbonerakure in Nyabihanga commune in Mwaro Province, and Boris Bukeyenzeza, a current Imbonerakure member in the same commune, were sentenced by Mwaro District Court to 15 years in prison for the murder of Richard Havyarimana, a member of the CNL opposition party.

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Political Prisoners and Detainees

No verifiable statistic was available on the number of political prisoners or detainees; estimates by human rights groups ranged from a few hundred to as many as 4,000. Many of the examples cited in section 1.d., Arbitrary Arrest or Detention, qualified also as political prisoners or detainees. The government denied incarcerating persons for political reasons, citing instead acts against state security, participation in a rebellion, or inciting insurrection. Human rights groups stated that these charges were often a pretext for repressing members of political opposition parties and human rights defenders. Throughout the year there were regular arrests and detentions of members of opposition political parties, mainly from the CNL but also other parties, such as Union for Peace and Democracy-Zigamibanga. Others, mainly young men, were arrested or detained under suspicion of having cooperated with armed rebel groups. In many cases alleged political prisoners remained in pretrial detention; in other cases they were released without explanation or, more frequently, after paying a monetary fine.

On October 2, authorities arrested former independent member of parliament Fabien Banciryanino as he was giving a press conference at his home in Bujumbura. Banciryanino was charged with threatening state security, slander, and rebellion. In February, Banciryanino cited numerous human rights abuses when he voted against a bill to give then president Nkurunziza the title of “supreme guide of patriotism.” Banciryanino remained in detention.

In 2017 Germain Rukuki, a former employee of the banned NGO Christian Action for the Abolition of Torture-Burundi, was arrested by SNR officials and subsequently transferred to Ngozi Prison. Rukuki was accused of acts against state security and rebellion. International and local human rights organizations criticized the nature of his detention and the charges against him as politically motivated. In 2018 Rukuki was convicted and sentenced to 32 years’ imprisonment. Rukuki appealed the conviction, and in July 2019 his conviction was upheld by the Bujumbura Court of Appeals. On June 30, the Supreme Court overturned the judgment of the Court of Appeals, stating that “the sentence was a violation of civil and political rights.” The Supreme Court ordered Rukuki’s trial to be reheard by a newly set up Court of Appeals, but no trial date was fixed as of November.

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Amnesty: On January 30, four *Iwacu* journalists were sentenced to two-and-a-half years in prison for “a failed attempt of complicity in undermining the internal security of the state.” Human Rights Watch described the arrest as an “attempt to intimidate and threaten other journalists from doing their work.” On December 24, President Ndayishimiye pardoned the journalists; they were released the same day.

Politically Motivated Reprisal against Individuals Located Outside the Country

There were credible reports that the government attempted to use international law enforcement tools for politically motivated reprisals against specific individuals located outside of the country. Human Rights Watch reported that authorities collaborated with Tanzanian officials to arrest, torture, forcibly repatriate, and detain without charges refugees and asylum seekers residing in Tanzania for allegedly “attempting to destabilize the country.”

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses and may appeal decisions to an international or regional court. In 2016, five CSOs closed by the government challenged the decision in the East African Court of Justice. As of September the cases remained in process.

Property Restitution

In the wake of violence, repression, fear, hunger, insecurity, abuse, and severe economic hardship following the 2015 political crisis and harvest failures in early 2017, more than 420,000 citizens fled to neighboring states, primarily Tanzania. There were reports that, since 2015, government officials and private citizens seized land that was owned or legally occupied by fleeing refugees, which complicated the reintegration of some of those who returned during the year. Some returnees also found that their houses were destroyed, either due to natural conditions or to intentional property destruction. In general, however, government officials prevented others from occupying lands belonging to refugees.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

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The constitution and law provide for the right to privacy and require search warrants, but authorities did not always respect these rights. A 2018 law provides for warrantless searches when security services suspect acts of terrorism, fraud, trafficking in persons, illegal possession of weapons, trafficking in or consumption of drugs, or “infractions of a sexual nature.” The law requires that security services provide advance notice of warrantless searches to prosecutorial officials but does not require approval. Human rights groups raised concerns that the breadth of exceptions to the warrant requirement and the lack of protections provided in the law created risks of abuse. They also noted that by law warrants may be issued by a prosecutorial official without reference to a judicial authority, limiting judicial oversight of the decisions of police and prosecutors.

Police, SNR agents, and Imbonerakure members--sometimes acting as mixed security committees--set up roadblocks and conducted general vehicle inspections and searches. Members of the security forces also sought bribes in many instances, either during searches or in lieu of a search. They conducted search-and-seizure operations throughout the year, with an increase in reported searches in the weeks leading up to elections. During these searches, security agents seized weapons and household items they claimed could be used to supply an insurgency.

Some media outlets reported their websites and social media platforms were blocked or not accessible to the general public.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press but ban “defamatory” speech regarding the president and other senior officials, material deemed to endanger national security, and racial or ethnic hate speech. Additional restrictions imposed in 2015 continued and were applied to press outlets, including those critical of the government or the human rights situation in the country. Social media networks, primarily Twitter and WhatsApp, served as news outlets, often replacing traditional news outlets.

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Freedom of Speech: The law protects public servants and the president against “words, gestures, threats, or writing of any kind” that is “abusive or defamatory” or would “impair the dignity of or respect for their office.” The law also prohibits racially or ethnically motivated hate speech. The penalty for conviction of insulting the head of state is six months to five years in prison and a token monetary fine. Some journalists, lawyers, NGO personnel, and leaders of political parties and civil society stated the government used the law to intimidate and harass them.

Freedom of Press and Media, Including Online Media: The government owned and operated daily newspapers and a radio and television station. The CNDD-FDD operated a government-aligned radio station. Independent media existed but were restricted. Radio Isanganiro was the country’s largest independent radio station. *Iwacu*, an independent newspaper that was generally critical of the government and its policies, continued to publish articles in French and English, although it faced harassment from the government.

In November 2019 the Conseil National de la Communication (CNC) suspended Nawe.bi’s online *Nawe Television Station* and blocked the comments page of Nawe.bi’s website for operating without a CNC license. On August 12, the CNC withdrew Nawe.bi’s operating license because it continued to operate its television station. On the same day, CNC also suspended Itara Burundi’s operating license, citing the absence of a media director and lack of a physical address in the country.

In 2017 the CNC announced a decision to withdraw the licenses of Radio Bonesha, Radio Publique Africaine (RPA), and Radio/Television Renaissance for breaches of their agreements with the CNC or for not abiding by content regulations. Radio Bonesha continued to operate a website, and RPA continued to broadcast into the country from Rwanda. The CNC continued to prohibit any journalist from providing information to the BBC since its license was revoked in 2019 and to the Voice of America since the decision to suspend it indefinitely in April 2019.

Violence and Harassment: Journalists and outspoken critics reported harassment and intimidation by security services and government officials to prevent them from doing their work independently or covering sensitive topics. Some journalists were required to obtain permission from local authorities prior to travel.

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Forces allied to the CNDD-FDD repressed media perceived as sympathetic to the opposition, including print and radio journalists, through harassment, intimidation, and violence. The majority of independent journalists fled the country during and after the political crisis and crackdown in 2015, and some remained in exile as of November. The government detained or summoned for questioning several local journalists investigating subjects such as human rights abuses, corruption, or refugees fleeing the country.

In 2018 the government passed a law to regulate accreditation of journalists by increasing the prerequisites to include minimum requirements for education and prior experience and threatening criminal penalties for journalists found working without credentials. Reporters indicated there were lengthy delays in the accreditation process that prevented them from being able to work. Those who were able to continue working complained that government agents harassed and threatened media that criticized the government and the CNDD-FDD. Journalists had difficulty corroborating stories, since local sources were intimidated.

On March 28, Edouard Nkurunziza, a journalist for *Iwacu* received a death threat from Anglebert Ngendabanka, a member, after Nkurunziza quoted Ngendabanka's statements regarding political intolerance in Cankuzo Province. Nkurunziza went into hiding until August when Ngendabanka finished his term. *Iwacu* formally protested Nkurunziza's treatment to the speaker of the National Assembly and requested Ngendabanka be held accountable for the death threat. The National Assembly speaker did not take any action.

Censorship or Content Restrictions: The government censored media content through restrictive press laws established by the CNC, an organization that is nominally independent but subject to political control. According to Freedom House, observers regarded the CNC as a tool of the executive branch, as it regularly issued politicized rulings and sanctions against journalists and outlets. In 2016 the CNC passed two decrees regarding media activity, one for domestic journalists and one for foreign outlets operating in the country. The first compels all journalists to register annually with the CNC. The second limits the access granted to international journalists and establishes content restrictions on the products disseminated by these outlets. The CNC continued to monitor the press closely. In October 2019 the CNC issued a media code of conduct for all media

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outlets and journalists during elections. The code obliged media to work in synergy with the CNC and prohibited the reporting of results other than those officially announced by the Independent National Electoral Commission (CENI). The code also prevented journalists from using opinion polls as a source of information. Some independent media commented that the CNC drafted the code without consultation with professionals and completely restricted freedom of the press. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship, including by journalists working for the national broadcaster. Those who did not self-censor faced “reassignment” to jobs where they did not have access to the public or were fired.

The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 CNC members, who were mainly government representatives and journalists from the state broadcaster.

Several media outlets stated they received explicit threats that they would be closed if they published or broadcast stories critical of the government.

Libel/Slander Laws: The law prohibits the public distribution of information that exposes a person to “public contempt” and provides penalties of imprisonment and fines for violations. Conviction of treason, which includes knowingly demoralizing the military or the country in a manner that endangers national defense during a time of war, carries a penalty of life imprisonment. It is a crime for anyone knowingly to disseminate or publicize rumors likely to alarm or excite the public against the government or to promote civil war. It is illegal for anyone to display drawings, posters, photographs, or other items that may “disturb the public peace.” Penalties for violations range from two months’ to three years’ imprisonment and fines. Some journalists, lawyers, and leaders of political parties, civil society groups, and NGOs stated the government used the laws to intimidate and harass them.

National Security: A 2013 law requires journalists to reveal sources in some circumstances and prohibits the publication of articles deemed to undermine national security. National security provisions were used to deter criticism of

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government policies or officials (see section 1.e, Political Prisoners and Detainees, Amnesty, the case of *Iwacu* journalists).

Nongovernmental Impact: Many members of the governing party's Imbonerakure youth wing collaborated with government security forces to inhibit freedom of expression. In some cases they were official members of mixed security councils, which comprise police, local administration officials, and civilians.

Imbonerakure prevented Jean Marie Vianney Ngendakumana, a journalist with Isanganiro Radio, and his driver, Said Rukundaneza, from continuing their press coverage in Kiyenzi zone, Kanyosha commune, in Bujumbura on April 9. Ngendakumana was investigating an incident in the area involving a member of the CNL who was attacked at his home. The Imbonerakure deflated the tires of the journalist's vehicle and prevented them from moving. Ngendakumana and the driver were detained by the group of Imbonerakure until residents in the neighborhood intervened, which resulted in the pair going free.

Internet Freedom

The government sometimes restricted or disrupted access to the internet or censored online content. Some citizens relied heavily on the social media platforms WhatsApp, Twitter, and Facebook on both internet and mobile telephone networks to get information concerning current events. There were no verifiable reports the government monitored email or internet chat rooms. Several journalists stated they were generally freer in their reporting online than on radio and other media more closely controlled by the government, particularly when posting in French or English rather than in local languages. Several radio stations that were closed in 2015 continued to broadcast radio segments and issue articles online.

Some media websites were occasionally unavailable to internet users in the country. Publications affected included the newspaper *Iwacu* and the online publication *Ikirihó* prior to its suspension in 2018 by the Ministry of Justice. There was no official comment on the outages; both the reason and mechanism remained unclear. In most cases the outages lasted a few days before access was restored. Websites, including Facebook, WhatsApp, YouTube, and Twitter, were

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inaccessible to users on May 20, election day. Netblocks.org, an organization monitoring internet shutdowns, determined that access to Twitter, Facebook, Instagram, and WhatsApp had been restricted by the government. Access was restored in the evening of the same day. Government officials did not comment on the internet disruption.

Academic Freedom and Cultural Events

There were allegations, including by Freedom House, that hiring practices, student leadership elections, and grading at the University of Burundi were subject to political interference in favor of CNDD-FDD members.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government severely restricted this right (see section 1.d.). The law requires political parties and large groups to notify the government in advance of a public meeting and at least four days prior to a proposed demonstration and allows the government to prohibit meetings or demonstrations for reasons of “public order.” When notified, authorities in most cases denied permission for opposition members to meet or demonstrate and dispersed meetings already underway. In contrast, supporters of the CNDD-FDD and government officials were regularly able to meet and organize demonstrations on short notice; these demonstrations were frequently large and included participation by senior officials.

Despite a law prohibiting political rallies prior to the official campaign period, the CNDD-FDD was able to hold large events without consequences whereas opposition events were shut down and participants faced arrest. During the official campaign period, numerous rallies were organized across the country by all competing political parties. Opposition parties were allowed to engage in campaign events, rallies, and other activities, but there were frequent reports by journalists and members of opposition parties that they were detained, harassed, arrested, or physically beaten for having held “illegal meetings” or “seeking to disrupt elections”--often involving events with no more than a handful of

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individuals. Victims of these actions were primarily members of the CNL party, although occasionally other parties were also victims.

The COI report indicated that during the presidential election campaign, members of Imbonerakure, often with the support of local administration, prevented CNL rallies by occupying the venues CNL had reserved in advance.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right.

In 2017 the government enacted a law constricting the liberties of international NGOs. The law includes requirements that international NGOs deposit a portion of their budgets at the Bank of the Republic of Burundi and that they develop and implement plans to attain ethnic and gender balances in the recruitment of local personnel. The law contains several clauses that give the government considerable control over NGOs' recruitment and programming.

On February 13, the minister of interior ordered international NGOs to submit detailed personal information on their employees, including their ethnicity, raising international NGO concerns the government would use the data to target political opponents and exercise control over the organizations. On March 20, the government announced that those that did not respect ethnic balances prescribed by law would be shut down and that compliance inspections would be undertaken. Human Rights Watch and other organizations commented that the requirement was an attempt to exert control over NGO operations. In September the Ministry of Foreign Affairs released three decrees concerning the government's relationship to international NGOs that furthered concerns that authorities were moving toward requiring them to observe ethnic quotas in recruiting staff.

In 2017 the government also enacted laws governing domestic CSOs. The law requires CSOs to register with the Ministry of the Interior (or with provincial governments if they operate in a single province), a complex process that includes approval of an organization's activities from the Ministry of the Interior and other ministries, depending on the CSO's area(s) of expertise. Registration must be renewed every two years, and there is no recourse when authorities deny

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registration. The law provides for the suspension or permanent closure of organizations for “disturbing public order or harming state security.”

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government severely restricted these rights.

Following his election, President Ndayishimiye called on refugees to return home, stating their countries needed them and declaring the initiative as a presidential priority. On August 13, Rwanda, Burundi, and the Office of the UN High Commissioner for Refugees (UNHCR) reached a tripartite agreement to facilitate the repatriation of Burundian refugees from Rwanda. The first group of refugees from Mahama Camp was repatriated on August 27, and two more convoys followed within a month. Following the successful return of the three convoys from Rwanda, UNHCR reported vastly increased interest in returning to Burundi on the part of refugees. As of September, more than 98,736 refugees had returned since 2017, primarily from Tanzania and Rwanda. President Ndayishimiye welcomed the August 27 convoy of more than 400 refugees from Rwanda and requested Burundian local officials to support the reintegration of the returnees. The three convoys brought the total number of returnees from Rwanda to more than 1,500 since President Ndayishimiye took office.

In August 2019 the governments of Tanzania and Burundi signed an agreement whereby they agreed to the return of approximately 180,000 Burundian refugees in Tanzania, “whether voluntarily or not,” starting in October 2019. Initial returnees were determined to be voluntary; however, later media reports indicated that some refugees, who had initially volunteered to return, changed their minds but authorities disregarded their change of mind and forced them to leave. International organizations and human rights groups claimed that Tanzanian authorities were making conditions for refugees so difficult that in many cases

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their returns could not legitimately be considered voluntary. Nonetheless, there were no reports or UNHCR determination that the agreement between the country and Tanzania had been used to repatriate refugees forcibly. In December 2019 the two governments agreed to a three-week pause in returns. Repatriation of Burundian refugees from Tanzania resumed on February 6. From January to September, nearly 19,000 Burundian refugees returned from Tanzania, Rwanda, and the DRC.

In-country Movement: According to several news sources, the government enforced the use of household logbooks, *cahier* or *livret de menage*, that listed the residents and domestic workers of each household in some neighborhoods of the capital. In numerous instances, police arrested persons during neighborhood searches for not being registered in household booklets. Persons who attempted to cross the border to flee violence and reach refugee camps were sometimes stopped and turned back by police, the SNR, or Imbonerakure members.

Local governments established checkpoints on roads throughout the country on a widespread basis, officially for the collection of transit taxes on drivers and passengers; the checkpoints were often staffed by police or members of the Imbonerakure. Checkpoints were also established for security purposes. There were frequent allegations that those staffing the checkpoints sought bribes before allowing vehicles to proceed. In some instances, members of the Imbonerakure were accused of using the checkpoints to deny free movement to individuals for political reasons, such as failing to demonstrate proof of voter registration or of contributions for the funding of elections or for refusal to join the ruling party or on suspicion of attempting to depart the country in order to seek refugee status. Media reported local administrative officials and Imbonerakure members increased control over population movement during the electoral period. On January 15, the permanent secretary of the National Security Council mentioned the need to revitalize joint security committees, of which the Imbonerakure were often members, and to “control population flows and movements of travelers and to keep track every day of the foreigners staying in every household and at every hotel.”

Foreign Travel: Authorities required exit visas for foreigners who held nonofficial passports and who did not hold multiple-entry visas; these visas cost

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48,000 Burundian francs (\$25) per month to maintain. Most foreigners held multiple-entry visas and were not subject to this requirement.

e. Status and Treatment of Internally Displaced Persons

The International Organization for Migration (IOM) estimated there were 136,610 internally displaced persons (IDPs) in the country as of September. According to the IOM, 83 percent were displaced due to natural disasters while 17 percent were displaced for political or social reasons. Some IDPs reported feeling threatened because of their perceived political sympathies. Some IDPs returned to their homes, but the majority remained in IDP sites or relocated to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by UNHCR, the IOM, and other humanitarian organizations, such as shelter and legal assistance programs.

f. Protection of Refugees

The government generally cooperated with the local UNHCR office and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. UNHCR estimated 73,614 refugees were in the country as of September, with a further 5,390 in the process of seeking asylum. Of the refugees and asylum seekers, more than 98 percent were Congolese, including arrivals during the year. Due to measures taken to prevent the spread of COVID-19, including border closures, the number of refugees entering the country was reduced. Continuing violence in the Democratic Republic of the Congo as well as border closures prevented refugees from returning. Efforts begun in 2015 to resettle Congolese refugees in third countries continued.

Employment: The government does not permit refugees and asylum seekers to work.

Access to Basic Services: Refugees residing in camps administered by the government and by UNHCR and its partners had access to basic services. The

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large percentage of refugees residing in urban areas also had access to services, such as education, health care, and other assistance offered by humanitarian organizations. Due to their inability to work, most refugees lacked sufficient resources to meet their basic needs, even with support from the international community.

g. Stateless Persons

According to UNHCR, an estimated 1,131 persons at risk of statelessness lived in the country. All were from Oman, were awaiting proof of citizenship from the government of Oman, and had lived in Burundi for decades. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani citizenship. Stateless persons faced limited freedom of movement because they were ineligible for driver's licenses and passports.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government did not respect that right.

Elections and Political Participation

Recent Elections: The country held legislative, communal, and presidential elections on May 20 without international observers. The National Independent Electoral Commission (CENI) declared on June 6 that CNDD-FDD candidate Evariste Ndayishimiye won the election with 68 percent of the vote. President Ndayishimiye was sworn in on June 18, two months early, following the sudden death of former president Nkurunziza, in a peaceful transfer of power. The government also held Senate elections in July and village council elections in August. The CNDD-FDD won absolute majorities in the National Assembly and Senate.

Elections were deeply flawed with irregularities that undermined the credibility of the process, including blocking independent international observers. The government opened the political space slightly, allowing participation of an

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opposition party and permitting it to carry out large campaign rallies across the country. According to the COI report, opposition parties cited irregularities during the vote tabulation process, including the expulsion of accredited party-affiliated monitors from voting stations. The Consortium for the Monitoring of Human Rights Violations during the Electoral Period in Burundi doubted the credibility of the election results due to the failure of CENI to report the exact number of polling stations, failure to post voter rolls, last-minute distribution of voter registration cards, journalists' limited access to polling stations, the prohibition against the use of mobile phones in polling stations, and the blockage of most social media sites. The international community and independent domestic organizations widely condemned the process as flawed. Several progovernment CSOs observed and validated the elections. The CNL rejected the results of the election and filed an appeal, which the Constitutional Court dismissed on June 4.

The COI report noted the presidential election day was largely peaceful, but it documented intimidation, threats, arrests, and bureaucratic hurdles during the campaigning and voting periods. The COI report stated that in “the context of the 2020 electoral process, which began in 2019, human rights violations took on a political dimension. They affected the right to security and freedom but also the right to life and to be free from torture or ill-treatment, as well as civil liberties.” Voter turnout was high despite threats to security and human rights.

There were reports of incidents of violence during the election period, namely clashes between members of the ruling party and opposition party, which resulted in injuries and deaths in some cases. In its September report, the COI stated that opposition political parties and their members--mainly the CNL--suffered serious human rights abuses in the run-up to elections. There were reports of targeted killings, kidnappings, gender-based violence, torture, and arbitrary arrests. Authorities recognized some incidents of violence, particularly when clashes occurred between CNDD-FDD and CNL members. Authorities nevertheless assigned responsibility for clashes almost exclusively to CNL members; the government arrested a small number of CNDD-FDD militants involved in violent acts, but it was unclear whether they were prosecuted. The CNDD-FDD benefited from widespread impunity. Hate-filled and threatening speeches, particularly against the political opposition, were widely circulated on social media. The

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National Observatory for the Prevention and Eradication of Genocide and other local organizations denounced such hate speeches. Media remained under strict control, and journalists were unable to carry out their duties freely. Journalists were intimidated, threatened, and prevented from covering the electoral process. In its May report on human rights during the electoral period, the National Commission of Human Rights (CNIDH) declared that incidents of human rights abuses were too insignificant to affect the credibility of results, as announced.

The CENI imposed restrictive conditions, such as limiting movement of international observers and rejecting African Union (AU) and United Nations observers. The government initially accredited observers from the East African Community (EAC), but shortly before their arrival, announced that the EAC observers would be placed in a 15-day quarantine for COVID-19 that would end after election day. The EAC observers cancelled their participation. Some diplomatic missions sent teams outside of Bujumbura to observe voting. Diplomatic missions in Burundi, the office of the UN resident coordinator, and the executive secretary of the International Conference on the Great Lakes Region issued statements taking note of the results and encouraging everyone involved to preserve a peaceful climate and resolve electoral disputes through existing legal procedures. The Catholic Bishops Council, which deployed 2,716 observers, reported irregularities that “might undermine the declared result” during a peaceful electoral process.

Elections were organized during the outbreak of COVID-19, and authorities did not take adequate measures to protect the population. The government cancelled voting in embassies outside the country, citing the pandemic. During the run-up to presidential elections, authorities downplayed risks of the COVID-19 pandemic. Human Rights Watch, the COI, and other organizations reported authorities risked putting persons in grave danger by preventing the free flow of fact-based information on the pandemic, such as by prohibiting doctors from sharing information on the number of patients with COVID-19 symptoms. Authorities encouraged persons to participate in massive electoral rallies and threatened to sanction those who took early protective measures.

In 2017 the government began a campaign to generate citizen contributions to a fund for elections with the stated intention of domestically financing future

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elections. In July 2019 the president announced that fundraising goals were reached but that “voluntary” contributions were still welcome. Nevertheless, there were reports that the Imbonerakure and local officials continued to force some of the population to make contributions in cash or in kind, including to support the CNDD-FDD party, to organize political rallies, or to give gifts to the party’s candidates.

Political Parties and Political Participation: According to the law, to qualify for public campaign funding and compete in the parliamentary and presidential elections, parties needed to be “nationally based,” i.e., ethnically and regionally diverse, and prove in writing they were organized and had membership in all provinces. The Ministry of the Interior recognized 36 political parties. In February 2019 the Ministry of the Interior registered the previously unapproved National Forces of Liberation-Rwasa under the new name, the CNL. The Union for National Progress (UPRONA), led by Evariste Ndayimpenda, remained unrecognized, except for a small faction that broke off and pledged its allegiance to the ruling party. The Movement for Solidarity and Democracy remained suspended, and the Supreme Court’s decision on a motion to ban it permanently was still pending at year’s end.

Ministry of the Interior interference in opposition party leadership and management contributed significantly to the weak and fractured nature of opposition parties. The government stated that the law allows only legally constituted political parties, coalitions of political parties, and independent candidates to run for office and that unrecognized leaders of parties and political actors not associated with a party could play no role in the political process. The CNL was the only opposition party with a network of supporters and campaign workers capable of operating at the national level, and they participated at a historically robust pace not seen since the 1993 elections. Within the official campaign timeframe, the CNL was generally able to conduct campaign-related activities, such as holding meetings and rallies, despite some attempts to thwart campaign activities. Parties not recognized by the government were largely unable to conduct political activities and even recognized parties, such as the CNL, were frequently restricted from conducting political activities. There were reports that

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local officials imposed arbitrary restrictions on the CNL while trying to open or inaugurate offices. Dozens of the CNL party offices were vandalized or destroyed.

The constitution includes restrictions on independent candidates, including a measure that prevented individuals from running as independents if they had claimed membership in a political party within the previous year or if they had occupied a leadership position in a political party within the previous two years. The constitution also provides that independent candidates for the National Assembly must receive at least 40 percent of the vote in their district in order to be elected, a standard that did not apply to candidates representing political parties. The constitution's ban on coalitions for independents further constrained the options of unrecognized parties and disenfranchised them so that only six presidential candidates were able to run for office.

Individuals often needed membership in, or perceived loyalty to, the ruling political party to obtain or retain employment in the civil service and the benefits that accrued from such positions, such as transportation allowances; free housing, electricity, and water; exemption from personal income taxes; and interest-free loans. During the year there were reports the Imbonerakure, government officials, or other ruling party supporters employed harassment, arbitrary arrest, and violence, including torture and killings, against individuals for being members of an opposition party or for refusing to join the CNDD-FDD. The COI reported that during the electoral process, some persons were prevented from participating in rallies organized by the CNL, in particular due to a lack of transport, while others were forced to participate in those organized by the CNDD-FDD party. The reports, along with the pressure placed on citizens to register as voters or to provide contributions for elections, led some civil society groups and media outlets to suggest that the space for citizens to support an opposition party or be apolitical was diminishing.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and women and minorities did participate.

The constitution reserves 30 percent of positions in the National Assembly, Senate, and Council of Ministers for women, and government institutions hired persons

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after the elections to meet gender and ethnic quota requirements. This was implemented under the electoral code by adding seats to meet the gender and ethnic requirements and by closed-list voting, whereby voters choose a political party and the party provides the order in which candidates are selected, taking ethnicity and gender into account. In the new government, 39 percent of seats in the National Assembly and 41 percent of seats in the Senate were filled by women and five of 15 ministers were women. Women were not well represented in political parties and held very few leadership positions. Some observers believed that tradition and cultural factors kept women from participating in politics on an equal basis with men. The COI reported that in the context of the electoral process, female candidates and prominent members of opposition parties suffered arbitrary arrest and detention, intimidation, and threats, particularly when the electoral lists were published and the identities of the victims and their party affiliations were widely known. The general climate of intolerance towards the political opposition aggravated violence against women in the opposition.

The constitution provides for representation in all elected and appointed government positions for the two largest ethnic groups. The Hutu majority is entitled to no more than 60 percent of government positions and the Tutsi minority to no less than 40 percent. The law designates three seats in each chamber of parliament for the Twa ethnic group, which makes up approximately 1 percent of the population. President Ndayishimiye appointed the first minister from the Twa community in the country's history, Imelde Sabushimike, as the minister of national solidarity, social affairs, human rights, and gender.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, yet corruption remained a very serious problem. The government did not fully implement the law, and some high-level government officials engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The constitution provides for the creation of a High Court of Justice to review accusations of serious crimes against high-ranking government officials. The

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anticorruption law also applies to all other citizens, but no high-ranking person has stood trial for corruption.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace. There were also allegations of corruption in the government, including incidents related to the lack of transparency of budget revenue involving gasoline importation; the trading in influence and abuse of office or power; the mismanagement of public tenders and contracts, including in the health and mining sector; misappropriation of public funds; customs fraud; and the appropriation of the country's limited foreign currency reserves to finance imports. The Burundian Revenue Office has an internal antifraud unit, but observers accused its officials of fraud.

The state inspector general and the Anticorruption Brigade were responsible for investigating government corruption but were widely perceived as ineffective. The Ministry of Interior and Public Security was charged to lead anticorruption efforts as part of President Ndayishimiye's new anticorruption campaign. The ministry started a "zero tolerance toward corruption" campaign and put suggestion boxes in all commune offices and government ministries to allow the population to report corrupt activities. The minister of interior also set up a toll-free telephone number to allow citizens to report corruption and malpractice. Local media reported an increase in arrests related to corruption after the new government implemented these anticorruption measures. On July 19, police arrested local administrative officials and Imbonerakure members, accusing them of extorting workers who had returned during the year to the country from seasonal work in Tanzania. On July 24, more than 30 persons, including 20 police officers, were arrested on charges of corruption and extortion.

In December the Observatory for Fighting against Corruption and Funds Embezzlement, an NGO watchdog group, reported that more than 183 million Burundian francs (approximately \$93,000) were diverted from an account in the Central Bank holding funds to support victims of torrential rains. The intended beneficiaries had not received any funds.

Financial Disclosure: The law requires financial disclosure by elected officials and senior appointed officials once every seven years but does not require the

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disclosures to be made public. The Supreme Court receives the financial disclosures. By law the president, prime minister, vice president, and cabinet ministers are obligated to disclose assets upon taking office, but the nonpublic nature of the disclosure meant compliance with this provision could not be confirmed.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression. The law requires CSOs to register with the Ministry of the Interior, a complex process, which includes approval of an organization's activities. Registration must be renewed every two years, and there was no recourse for organizations denied registration or renewal (see also section 2.a, Freedom of Association). By law an organization may be suspended permanently for "disturbing public order or harming state security."

Human rights defenders who remained in the country were subjected to threats, intimidation, and arrest. The cases of Germain Rukuki and Nestor Nibitanga, who were convicted in 2018 and remained in prison at year's end, were emblematic of the judicial threats faced by human rights monitors from both recognized and unrecognized organizations. On June 30, the Supreme Court rescinded Germain Rukuki's 32-year prison sentence, ordering his appeals trial to be reheard. According to the Supreme Court, "the appeals judge convicted an accused who never appeared in a public hearing and without hearing his defense." No date was set for the new appeals process, and Rukuki remained in prison.

Numerous civil society organizations, especially those that focus on human rights, remained banned or suspended. Ligue Iteka, officially banned since 2017, and other organizations without official recognition continued to monitor the human rights situation. Members of both recognized and unrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and sources.

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The United Nations or Other International Bodies: Following a September 14-19 visit of the strategic assessment mission for United Nations engagement in Burundi that included interviews with civil society members, the government, ruling party and main opposition party members, and nonprofit organizations, UN Assistant Secretary-General for Africa Bintou Keita submitted a report to the UN Security Council assessing political and socioeconomic issues relevant to the UN's relationship with the government, including human rights. In November the government requested closure of the UN special envoy's office. On December 4, the Security Council decided to end its specific focus and mandatory reporting on the country, noting the improved security situation.

The UN Human Rights Council created the three-member COI in 2016 to investigate human rights abuses since 2015; its mandate was renewed annually since then. The government continued to refuse to allow commission members to enter the country or to respond substantively to any requests for information. In September, despite not having access to the country, the commission delivered its annual report, finding there was reason to believe that grave abuses of human rights and crimes against humanity continued to be committed in the country, including extrajudicial killings, systematic torture, sexual violence, and political oppression. The COI report found these abuses were primarily attributable to state officials at the highest level and to senior officials and members of the SNR, police, the Burundian National Defense Forces, and Imbonerakure. In fulfilling a new dimension of its mandate to report on "the economic underpinnings of the State," the COI found that widespread economic malpractices, such as corruption and influence peddling, negatively affected human rights. Following release of the COI report in September, the Human Rights Council once again extended the COI's mandate. Government officials dismissed the COI report, and the country's permanent representative to the United Nations in Geneva stated the COI was "a tool used by the enemies of Burundi."

In 2016 the AU deployed 40 human rights monitors and eight military monitors. The 40 monitors stayed in the country until September 2018, when the number was reduced due to a gap in financing. According to the AU, the monitors were limited in what they could do because the government had yet to agree on a memorandum of understanding for the monitors. The monitors did not make their reports public.

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As of September the 10 civilian and three military AU monitors were the only external monitors in the country.

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which had yet to be implemented, and a national Truth and Reconciliation Commission (TRC), which was adopted into law in 2014. Between 2016 when it became operational and October, the TRC gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law abuses committed in the country. The TRC is also mandated to establish the responsibilities of state institutions, individuals, and private groups.

Based on testimonies collected between 2016 and 2018, the commission provisionally identified 4,000 mass graves of varying size throughout the country dating from the time of its mandate as well as numerous allegations of killings, torture, sexual and gender-based violence, and violations of due process rights. In its report presented on January 14, the TRC identified 142,505 citizens killed or missing from the time of independence in 1962 until the end of the civil war in 2008. On January 27, the commission launched the first phase of exhumation of remains in mass grass graves with a focus on graves linked to the 1972 conflict. Some CSOs and opposition political figures raised concerns that the TRC was deliberately targeting 1972 to favor the Hutu ethnic group. CSOs also raised concerns that in view of continued human rights abuses, political tensions, a climate of fear and intimidation, fears of retribution for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. CSOs cited concerns that the participation of ruling party members in deposition-gathering teams could reduce the willingness of some citizens to testify or share fully their stories. Some of the TRC commissioners were perceived by some CSOs as representing the interests of the ruling party and therefore not impartial. A lack of qualified experts adversely affected the TRC's ability to operate.

Ombudsman Edouard Nduwimana's mandate included monitoring prison conditions and promoting interreligious dialogue. Prior to the elections, he encouraged opposition leaders in exile to return to Burundi, and some responded.

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He also focused on social cohesion during the electoral period in partnership with CSOs.

The CNIDH, a quasigovernmental body charged with investigating human rights abuses, exercised its power to summon senior officials, demand information, and order corrective action. In 2016 the Global Alliance of National Human Rights Institutions (GANHRI) provisionally downgraded CNIDH's accreditation due to concerns regarding its independence. In 2018 GANHRI confirmed its decision, suspending CNIDH's right to participate fully in global meetings with counterparts. The CNIDH also monitored the government's progress on human rights investigations. In April 2019 a new group of commissioners was appointed to a four-year term and took steps to implement measures to help the CNIDH restore its accreditation. In February the CNIDH began releasing its findings to the public, which it had previously failed to do due to lack of capacity to produce reports and failure to obtain approval in the National Assembly. Some of the reports were posted on its website, including CNIDH's 2019 annual report.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape against men and women, including spousal rape, with penalties of up to 30 years' imprisonment for conviction. The law prohibits domestic abuse of a spouse, with punishment if convicted ranging from fines to three to five years' imprisonment. The government did not enforce the law uniformly, and rape and other domestic and sexual violence were serious problems.

In 2016 the government adopted a law that provides for the creation of a special gender-based crimes court, makes gender-based violence crimes unpardonable, and provides stricter punishment for police officers and judges who conceal violent crimes against women and girls. As of October the special court had not been created, and no police officers or judges had been prosecuted under the law.

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The Unit for the Protection of Minors and Morals in the National Police is responsible for investigating cases of sexual violence and rape as well as those involving the trafficking of girls and women. The government-operated Humura Center in Gitega provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence.

The September COI report stated that sexual and gender-based violence affected mostly women and girls but also men. In particular, members of the Imbonerakure and police committed violence to intimidate, control, repress, and punish women and men for their supposed or actual political opinions, refusal to join the ruling party, or alleged links to an armed movement. The National Intelligence Service also committed sexual and gender-based violence during arrests and detention. Credible observers stated many women were reluctant to report rape, in part due to fear of reprisal or social stigma.

Sexual Harassment: The law prohibits sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. Punishment for conviction of sexual harassment may range from a fine to a prison sentence of one month to two years. The sentence for sexual harassment doubles if the victim is younger than 18. The government did not actively enforce the law. There were reports of sexual harassment but no data available on its frequency or extent and no evidence of arrests made under anti-sexual-harassment laws.

Reproductive Rights: The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children, and they had access to the information and means to do so free from discrimination, coercion, and violence. Abortion is illegal; however, it is permitted if the life of the mother is in jeopardy. Husbands often made the final decisions about family planning.

The government provided free prenatal and postpartum services. There were no restrictions on access to contraceptives; the contraceptive prevalence rate was 29 percent. Health clinics and NGOs freely disseminated information on family planning under the guidance of the Ministry of Public Health. Faith-based clinics promoted the use of natural family planning methods.

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The government provided access to sexual and reproductive health services for survivors of sexual violence.

The *2016-2017 Demographic and Health Survey* estimated the maternal mortality rate at 334 per 100,000 live births in 2016-2017. The main factors influencing maternal mortality were inadequate medical care and low use of family planning services. World Health Statistics indicated the adolescent birth rate was 58 per 1,000 in 2016.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, nationality, and inheritance laws. Women faced legal, economic, and societal discrimination, including with regard to inheritance and marital property laws.

By law women must receive the same pay as men for the same work, but they did not (see section 7.d.). Some employers suspended the salaries of women on maternity leave, and others refused medical coverage to married female employees. The government provided only limited resources to enforce labor laws in general and did not enforce antidiscrimination laws effectively.

In 2018 the minister of education released a guidance letter stating that female primary and secondary school students who became pregnant or were married during their studies would not be allowed to reintegrate into the formal education system but could pursue vocational training. This provision also applied to male students believed to have had sexual intercourse leading to pregnancy but did not affect married male students. Prior to this guidance, schools required female students who became pregnant to seek the permission of the Ministry of Education to re-enter school and then transfer to a different school, leading to high dropout rates; male students were not subject to this requirement. Soon afterward, the minister revoked the guidance and announced the establishment of a committee to facilitate the reintegration of students, including pregnant students, who “face any challenges during the academic year.” Reports persisted that school authorities still prevented pregnant girls from attending school, especially in remote areas.

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In 2017 President Nkurunziza signed into law regulations requiring unmarried couples to legalize their relationships through church or state registrations. The Ministry of the Interior subsequently announced that couples who did not marry before the end of 2017 could face token fines, based on the provisions of the law against unmarried cohabitation, and declared that children born out of wedlock would not be eligible for waivers on primary school fees and other social services. The campaign was subsequently extended into 2018, and there were no reports of the threatened consequences being implemented. Government officials continued campaigns during the year to implement the president's decree, but as of October the movement had lost momentum and there were no reports that the law was enforced.

Children

Birth Registration: The constitution states that citizenship derives from the parents. The government registers, without charge, the births of all children if registered within a few days of birth. An unregistered child may not have access to some public services.

Education: Education is tuition-free, compulsory, and universal through the primary level, but students are responsible for paying for books and uniforms. Secondary students must pay token tuition fees per quarter; secondary school is not compulsory. Throughout the country provincial officials charged parents informal fees for schooling at all levels.

Child Abuse: The law prohibits violence against or abuse of children, with punishment for conviction ranging from fines to three to five years' imprisonment, but child abuse was a widespread problem. The penalty for conviction of rape of a minor is 10 to 30 years' imprisonment.

Child, Early, and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal, although they reportedly occurred in southern, more heavily Muslim, areas. The Ministry of the Interior discouraged imams from officiating at illegal marriages.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The penalty for conviction of commercial sexual exploitation of children is 10 to

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15 years in prison and a substantial monetary fine. The penalties for conviction of child pornography are fines and three to five years in prison. There were no prosecutions during the year.

Women and girls were smuggled to other countries in Africa and the Middle East, sometimes using falsified documents, putting them at high risk of exploitation.

Displaced Children: Thousands of children lived on the streets throughout the country, some of them HIV/AIDS orphans. The government provided street children with minimal educational support and relied on NGOs for basic services, such as medical care and economic support. Independent observers reported that children living on the streets faced brutality and theft by police. Arbitrary arrests and detentions of persons, including children, living on the streets continued.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

No estimate was available on the size of the Jewish population. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities, but the government did not promote or protect their rights. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required job applicants to present a health certificate from the

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Ministry of Public Health stating they did not have a contagious disease and were fit to work, a practice that sometimes resulted in discrimination against persons with disabilities.

No legislation mandates access to buildings, information, or government services for persons with disabilities. The government supported a center for physical therapy in Gitega and a center for social and professional inclusion in Ngozi for persons with physical disabilities.

Indigenous People

The Twa, the original inhabitants of the country, numbered an estimated 80,000, or approximately 1 percent of the population. They generally remained economically, politically, and socially marginalized. By law, local administrations must provide free schoolbooks and health care for all Twa children. Local administrations largely fulfilled these requirements (see also section 3, Participation of Women and Members of Minority Groups).

In September 2019, the representative of UNIPROBA, an NGO focusing on protecting the rights of the Twa ethnic group, stated that Twa were committed to participate actively in civil society but faced challenges including access to identity and voter cards.

There were sporadic reports of vigilante killings of Twa after they were accused, justly or unjustly, of crimes by other citizens throughout the year.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law penalizes consensual same-sex sexual relations by adults with up to two years in prison if convicted. There were no reports of prosecutions for same-sex sexual acts during the year.

The law does not prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, and access to government services such as health care. Societal discrimination against LGBTI persons was common.

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Other Societal Violence or Discrimination

Criminals sometimes killed persons with albinism, particularly children, in order to use their body parts for ritual purposes. Most perpetrators were citizens of other countries who came to kill and then departed the country with the body parts, impeding government efforts to arrest them. According to the Albino Women's Hope Association chairperson, society did not accept persons with albinism, and they were often unemployed and isolated. Women with albinism often were "chased out by their families because they are considered as evil beings." The government took steps to improve integration of albinos into society and sensitize communities to promote antidiscrimination efforts. On October 16, the first lady organized a training session about albinism, highlighting their vulnerability and urging the population to avoid discrimination against albinos.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions with restrictions. A union must have at least 50 members. The minister of labor has the authority to designate the most representative trade union in each sector. Most civil servants may unionize, but their unions must register with the Ministry of Civil Service, Labor, and Social Security (Labor Ministry) that has the authority to deny registration. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers younger than 18 must have the consent of their parents or guardians to join a union.

The law provides workers with a conditional right to strike after meeting strict conditions; it bans solidarity strikes. The parties must exhaust all other means of resolution (dialogue, conciliation, and arbitration) prior to a strike. Intending strikers must represent a majority of workers and give six days' notice to the employer and the Labor Ministry, and negotiations mediated by a mutually agreed-upon party or by the government must continue during the action. The ministry must determine whether the sides have met strike conditions, giving it, in effect, the power to prevent strikes. The law permits requisition of essential employees in

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the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law recognizes the right to collective bargaining, but it excludes measures regarding public sector wages that are set according to fixed scales following consultation with unions. If negotiations result in deadlock, the labor minister may impose arbitration and approve or revise any agreement. There are no laws that compel an employer to engage in collective bargaining. The law prohibits antiunion discrimination but allows termination of workers engaged in an illegal strike and does not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws. Resources for inspection and remediation were inadequate, and penalties were not commensurate with those under other laws involving denials of civil rights. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities.

Most unions were public employee unions, and virtually no private sector workers were unionized. Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiation. The principal trade union confederations represented labor interests in collective bargaining negotiations in cooperation with individual labor unions.

Most laborers worked in the unregulated informal economy and were not protected. According to the Confederation of Burundian Labor Unions, virtually no informal sector workers had written employment contracts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. The penalty for conviction of forced labor trafficking was commensurate with penalties for other serious crimes but there have been no convictions in more than five years. The criminal prohibitions were specific to human trafficking and may not apply to all forms of forced labor. The government did not effectively enforce

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applicable laws. Resources for inspections and remediation were inadequate. Workplace inspectors had authority to impose fines at their own discretion, but there were no reports of prosecutions or convictions.

Children and young adults were coerced into forced labor on plantations or small farms in the south, small-scale menial labor in gold mines, carrying river stones for construction in Bujumbura, work aboard fishing vessels, or engaging in informal commerce in the streets of larger cities (see section 7.c.). Forced labor also occurred in domestic service and charcoal production.

Citizens were required to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Although enforcement of this requirement was rare, there were sporadic reports that communal administrators fined residents who failed to participate, and members of the Imbonerakure or police sometimes harassed or intimidated individuals who did not participate.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all of the worst forms of child labor. The prohibition on hazardous employment did not cover all forms of hazardous agricultural work, and the criminal prohibition on the use of children in armed conflict did not apply to children older than 15. The law does not prohibit the use of children in the production and trafficking of narcotics.

The law states that enterprises may not employ children younger than 16, with exceptions permitted by the Labor Ministry, but this law generally does not apply to children working outside of formal employment relationships. Exceptions include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. The minister of labor permitted children age 12 and older to be employed in "light labor," such as selling newspapers, herding cattle, or preparing food. The legal minimum age for most types of "nondangerous" labor varies between 16 and 18. The law prohibits children from working at night and limits them to 40 hours' work per

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week. Although the law does not apply to the informal sector, the Ministry of Labor stated that informal employment falls under its purview.

The Ministry of Labor is responsible for the enforcement of laws on child labor and had many instruments for this purpose, including criminal sanctions, fines, and court orders. The ministry, however, did not effectively enforce the law, primarily due in part to the insufficient number of inspectors. As a result, the ministry enforced the law only when a complaint was filed. Penalties were not commensurate with those for other serious crimes. During the year authorities did not report any cases of child labor in the formal sector, nor did they conduct surveys on child labor in the informal sector.

In rural areas children younger than 16 were often responsible for contributing to their families' and their own subsistence and were regularly employed in heavy manual labor during the day, including during the school year, especially in agriculture. Children working in agriculture could be forced to carry heavy loads and use machines and tools that could be dangerous. They also herded cattle and goats, which exposed them to harsh weather conditions and forced them to work with large or dangerous animals. Many children worked in the informal sector, such as in family businesses, selling in the streets, and working in small local brickworks. There were instances of children being employed as beggars, including forced begging by children with disabilities. The September COI report also cited forced recruitment into the Imbonerakure or, in the case of younger children, into the CNDD-FDD "Little Eagles."

In urban areas, child domestic workers were prevalent, accounting for more than 40 percent of the 13- to 15-year-old children in the country, according to a government survey from 2013-14. Reports indicated that an increased number of children from the Twa ethnic group were being transported from rural areas to Bujumbura with promises of work and subsequently were exploited. Child domestic workers were often isolated from the public. Some were only housed and fed instead of being paid for their work. Some employers, who did not pay the salaries of children they employed as domestic servants, accused them of stealing, and children were sometimes imprisoned on false charges. Child domestic workers could be forced to work long hours, some employers exploited them sexually, and girls were disproportionately impacted.

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Also see the Department of Labor's Findings on the Worst Forms of Child Labor at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law does not specifically prohibit discrimination against any group but rather provides for equal rights. The constitution recognizes workers' right to equal pay for equal work but women faced discrimination with regard to pay and access to equal employment and authorities did not prosecute any violations of this equal rights requirement. Women were excluded from some jobs, and a government decree prohibits women from performing in traditional drumming groups.

Much of the country's economic activity took place in the informal sector, where protection was generally not provided. Some persons claimed membership in the ruling party was a prerequisite for formal employment in the public and private sectors. Members of the Twa ethnic minority, who in many cases lacked official documentation, were often excluded from opportunities in the formal economy. Persons with albinism experienced discrimination in employment.

e. Acceptable Conditions of Work

The official minimum wages, unchanged since 1988, were below the official line of poverty. Prevailing minimum wages more reflective of labor market forces were below the international poverty line. According to the World Bank, 73 percent of the population lived below the poverty line.

The law limits working hours to eight hours per day and 40 hours per week, but there are many exceptions, including for workers engaged in national security, guarding residential areas, and road transport. Private security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. There is no legislation on mandatory overtime but premium pay is required for any overtime work performed. Foreign or migrant workers are subject to the same conditions and laws as citizens.

The labor code establishes appropriate occupational safety and health standards for the workplace, but they often were not followed. Many buildings under construction in Bujumbura, for example, had workforces without proper protective

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equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

The Labor Inspectorate in the Ministry of Labor is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. Workers have the right to remove themselves from situations of imminent danger without jeopardy to their employment.

The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The labor inspectors' mandate is limited to the formal sector, except where international agreements extend that mandate to all employment, but more than 90 percent of the working population worked in the informal economy and thus lacked access to legal protections. Inspectors have the authority to make unannounced inspections and initiate sanctions. The government did not hire sufficient inspectors to enforce compliance or allocate sufficient resources to address enforcement needs, such as that necessary for training and transportation for inspectors.

Violations of safety standards were reportedly commonplace but there were no official investigations, no cases of employers reported for violating safety standards, and no complaint reports filed with the Labor Inspectorate during the year. The government did not report data on deaths in the workplace but media reported workplace deaths. In one such case, media reported three employees died and one was wounded in a fire at well known soap manufacturing company SAVONOR in August. Police and the company management did not provide further details about the case.